

REMARKS

Claims 4-5 and 14-16 are amended hereby. Claims 1-3, 6-13, and 17-21 are cancelled without prejudice or disclaimer. Reconsideration of claims 4-5 and 14-16 in view of the above amendments and following remarks is respectfully requested.

In the Office Action dated September 19, 2006, the Examiner indicated the three Information Disclosure Statements filed July 30, 2003, November 9, 2004, and July 25, 2005 have been partially considered by the Examiner. Specifically, the documents as submitted in English have been considered as indicated by a checkmark and documents submitted in Japanese and/or another foreign language have not been considered as indicated by a strikethrough.

The Examiner has rejected claims 7 and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner indicated that the phrase "the control unit controls the optical head...than the optical head" is unclear and cannot be understood.

The cancellation of claims 7 and 17 renders the rejection under 35 U.S.C. § 112, second paragraph moot.

The Examiner has rejected claims 1, 2, 10-12, and 21 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. 2000-048378 to Seki (Seki).

The cancellation of claims 1, 2, 10-12, and 21 renders the rejection under 35 U.S.C. § 102(b) over Seki moot.

The Examiner has rejected claims 3, 7-9, 13, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Seki and further in view of U.S. Patent No. 5,696,743 to Kawasaki (Kawasaki) and U.S. Patent No. 6,370,091 to Kuroda (Kuroda).

The cancellation of claims 3, 7-9, 13, and 17-20 renders the rejection under 35 U.S.C. § 103(a) over Seki in combination with Kawasaki and Kuroda moot.

The Examiner has rejected claims 10 and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,121,370 to Yanagi (Yanagi).

The cancellation of claims 10 and 21 renders the rejection under 35 U.S.C. § 102(b) over Yanagi moot.

The Examiner has objected to claims 4-6 and 14-16 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicant appreciates the indication that claims 4-6 and 14-16 would be allowable if rewritten in independent form. By this amendment, claims 4, 14 and 16 have been rewritten in independent form, and the dependencies of the remaining claims 5 and 15, respectively, corrected. Accordingly, Applicant respectfully requests the withdrawal of the objection over claims 4-6 and 14-16.

In view of the above amendments and remarks, it is respectfully submitted that all of the remaining claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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